

PATENT COOPERATION TREATY

Applicants : Richard GILBERT, Xiao-Feng ZHOU and Brian Philip ALLEN
Int'l Application No. : PCT/GB2003/002962
U.S. Application No. : 10/520,986
Int'l Filing Date : 9 July 2003
Title : MOLECULAR DETECTOR ARRANGEMENT

Docket No. : 310134.402USPC

Date : July 25, 2006

PCT Legal Office
Mail Stop PCT
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD A FILING DATE

Commissioner for Patents:

A Response to Notification of Missing Requirements dated July 12, 2005 was timely filed by Express Mail with the United States Patent and Trademark Office on July 27, 2005.

In response to the Notification of June 30, 2006, Applicants petition the Commissioner to accord a filing date for the above-identified application based on the following evidence:

Express Mail No.: EV719380741US
International Application No.: PCT/GB2003/002962
International Filing Date: 9 July 2003

1. Copy of "Express Mail" mail label showing "date-in"
2. Copy of United States Postal Service Track and Confirm Search Results for Label/Receipt Number: EV335614532US
3. Copy of the PTO stamped return receipt postcard that accompanied the Response to Notification of Missing Requirements
4. Copy of the Response to Notification of Missing Requirements filed on July 27, 2005:
 - (a) Transmittal Letter (3 pages +copy)
 - (b) Declaration for Utility or Design Application Using an Application Data Sheet (1 page)
 - (c) Copy of Notification of Missing Requirements (PCT/DO/EO/905)
5. Copy of additional papers filed at the time of the Response to Notification of Missing Requirements on July 27, 2005:
 - (a) Election and Power of Attorney
 - (b) Statement under 37 C.F.R. § 3.73(b)
 - (c) Form PTO-1595
 - (d) Assignment (3 pages)
 - (e) Information Disclosure Statement
 - (f) Form PTO-1449 (1 page)
 - (g) Copies of Cited References (11)

The undersigned attests that the copies of the Express Mail label showing "date-in" and any official notations entered by the United States Postal Service on the Express Mail label, the PTO stamped return receipt postcard that accompanied the Response, and the Response to Notification of Missing Requirements are true copies.

Express Mail No.: EV719380741US
International Application No.: PCT/GB2003/002962
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Please note that the assignment document (item 5(d) above) included in the Response to Notification of Missing Requirements should not be re-recorded, as it has already been recorded by the Assignment Services Branch. The assignment document in the Response has been marked as such.

Applicants do not believe that a fee is due for the present petition. The Director is authorized to charge any additional fees due by way of this Petition, or credit any overpayment, to our Deposit Account No. 19-1090.

Please contact the undersigned representative if any additional information is required. Issuance of a filing date and a Notice of Acceptance for this application are respectfully requested.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Stephen J. Rosenman, Ph.D.

Registration No. 43,058

SJR:rp

Enclosures:

Copy of Notification of June 30, 2006
Copy of "Express Mail" mail label showing "date-in"
Copy of United States Postal Service Track and Confirm Search Results for Label
Receipt/Number: EV335614532US
Copy of the PTO stamped return receipt postcard that accompanied the Response
Copy of the Response to Notification of Missing Requirements filed on July 27,
2005

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031
809398_1.DOC

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Application
Number

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SJR:kw

SENT: July 27, 2005
DUE: September 12, 2005

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PLEASE STAMP WITH APPLICATION NO. AND RETURN

Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Check; Transmittal Letter (3 pages + copy); Declaration for Utility or Design Application Using an Application Data Sheet (1 page); Election and Power of Attorney; Statement under 37 C.F.R. § 3.73(b); Form PTO-1595; Assignment (3 pages); Information Disclosure Statement, Form PTO-1449 (1 page), Copies of Cited References (11); and Copy of Notification of Missing Requirements (PCT/DO/EO/905); in re: Richard Gilbert et al.; U.S. National Stage Application No. 10/520,986, based upon International Application No. PCT/GB2003/002962, International Filing Date of July 9, 2003, for MOLECULAR DETECTOR ARRANGEMENT.
Seed Intellectual Property Law Group PLLC
614350_1.DOC

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NO. 310134.402USPC
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/520,986
INTERNATIONAL APPLICATION NO. PCT/GB2003/002962	INTERNATIONAL FILING DATE July 9, 2003	PRIORITY DATE CLAIMED July 10, 2002
TITLE OF INVENTION MOLECULAR DETECTOR ARRANGEMENT		
APPLICANT(S) FOR DO/EO/US Richard GILBERT, Xiao-Feng ZHOU and Brian Philip ALLEN		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Statement Under 37 CFR 3.73(b); PTO-1449 (1 page); Cited References (11); Copy of Notification of Missing Requirements. 		

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/520,986		INTERNATIONAL APPLICATION NO. PCT/GB2003/002962		ATTORNEY'S DOCKET NUMBER 310134.402USPC	
The following fees are submitted					
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....				\$ 300.00	\$.00
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by the IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$ 0.00	\$.00
All other situations				\$ 200.00	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by the IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$ 0.00	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$ 100.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB				\$ 400.00	\$.00
All other situations				\$ 500.00	
TOTAL OF 21, 22 AND 23 =					\$.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
- 100 =	/50 =			X \$250.00	\$.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).					\$.00
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		x \$ 50.00		\$.00
Independent Claims	- 3 =		x \$ 200.00		\$.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		\$.00
TOTAL OF ABOVE CALCULATIONS =					\$.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					\$.00
SUBTOTAL =					\$.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$.00
TOTAL NATIONAL FEE =					\$.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$40.00
TOTAL FEES ENCLOSED =					\$40.00
					Amount to be refunded:
					Amount to be Charged:

- a. ☒ A check in the amount of \$40 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 19-1090 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any deficiency in the basic national fee which may be required, or credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Stephen J. Rosenman, Ph.D.
Seed Intellectual Property Law Group PLLC
701 5th Avenue, Suite 6300
Seattle, WA 98104-7092
United States of America
(206) 622-4900


SIGNATURE

Stephen J. Rosenman, Ph.D.
NAME

43.058
REGISTRATION NUMBER

(07/05)

C:\NirPortb\NManage\KARENWILL\610964_1.DOC

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RECEIVED PCT/PTO 27 JUL 2005

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SENT: July 27, 2005
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Application
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Stephen J. Rosenman
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701 5th Avenue
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Seattle WA 98104-7092

COPY

In re Application of
Gilbert et al.
Application No. 10/520,986
PCT No.: PCT/GB03/02962
Int. Filing Date: 09 July 2003
Priority Date: 10 July 2002
Atty. Docket No.: 310134.402USPC ✓
For: Molecular Detector Arrangement

NOTIFICATION

This is in response to the correspondence filed on 02 June 2006.

BACKGROUND

This international application was filed on 09 July 2003, claimed an earliest priority date of 10 July 2002, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 22 January 2004. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 January 2005. Applicants filed, *inter alia*, the basic national fee on 10 January 2005.

On 12 July 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

DISCUSSION

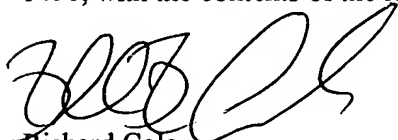
The instant correspondence urges that "a copy of the Response as filed on July 27, 2005" be accepted on the basis of return postcard receipt evidence. However, the instant correspondence has not been signed by a registered patent attorney or agent. Further, it appears to have been prepared and signed by "Rosie Price, Legal Assistant to Stephen J. Rosenman, Ph.D." It would not be appropriate to consider the merits of this correspondence (which is in effect a petition to accord a filing date to the "copy of the Response as filed on July 27, 2005") in the absence of the signature of a registered practitioner.

CONCLUSION

The application is ABANDONED.

This application will be retained in the Office of PCT Legal Administration for ONE (1) MONTH to await a proper submission by applicant; if no proper submission is received within this time, the application will then be forwarded to the National Stage Processing Branch for the preparation and mailing of a Notification of Abandonment (Form PCT/DO/EO/909).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration



George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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July 27, 2005	

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